

Joseph P. Cervini, Jr. (JC-6143)
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Attorneys for Defendant
A.V. Diamonds, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GOLD STAR JEWELLERY, LLC,
GOLD STAR JEWELLERY, LTD, and
ALKES SHAH

Plaintiffs,

-against-

A.V. DIAMONDS, INC.,

Defendant.

09 Civ. 2816 (SHS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Affirmation of Joseph P. Cervini Jr., dated May 5, 2009, and upon the exhibits attached thereto, the accompanying Memorandum of Law, and the pleadings herein, defendant A.V. Diamonds, Inc., will move this Court, before Hon. Sidney H. Stein, United States District Judge, for an order, pursuant to the first-to-file rule dismissing plaintiffs' complaint in its entirety, or, in the alternative, transferring the action to the United States District Court for the Southern District of Texas, or staying this action, and such other and further relief in favor of defendant that the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 5, 2009

TODTMAN, NACHAMIE, SPIZZ
& JOHNS, P.C.

By: s/ Joseph P. Cervini, Jr.
Joseph P. Cervini, Jr. (JC-6143)
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